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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,249	07/15/2003	Ofir Zohar	ASSIA 20.503	8864

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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER

PEUGH, BRIAN R

ART UNIT PAPER NUMBER

2187

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/620,249

Applicant(s)

ZOHAR ET AL.

Examiner

Brian R. Peugh

Art Unit

2187

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 102(a) rejection under Henry et al.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 11,43 and 58.
Claim(s) objected to: _____.
Claim(s) rejected: 1-10,12-42,44-57 and 59-65.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

Continuation of 13. Other: Regarding Applicant's response on pages 22-23 that "wherein the interim-fast-access-time nodes are configured to be reassignable to a further second range of the LBAs" limitation is taught according to paragraphs 0085, 0003, and/or 0010, the Examiner disagrees. The recited paragraphs teach reassigning LBAs to cache nodes, however there is no teaching of what a "further second range of the LBAs" applies to. LBAs have only been taught to be assigned to respective second ranges [0021]. It is unclear what a "further second range of LBAs" is, in that it is unclear whether the further second range applies as a whole to all of the cache nodes, or whether there are individual further second ranges for each cache node. Also, if there are to be multiple further second ranges, it is unclear to the Examiner whether these ranges overlap or not, since paragraphs 0027 and 0028 indicate that the second ranges of LBAs may or may not overlap.

Regarding Applicant's arguments directed towards claim 64, the Examiner agrees and the rejection has been removed.

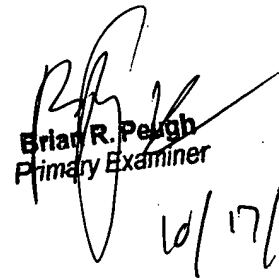
Regarding Applicant's arguments of claims 1, 65, and 66 on page 24, the above Examiner's response (paragraph 1) also applies to this argument.

Regarding Applicant's argument directed towards claims 64 and 65 on page 24, Applicant's amendment overcomes the rejection and thus the rejection has been withdrawn.

Regarding Applicant's assertion that the James reference does not teach the "reassignable to a further second range of the LBAs" limitation, the Examiner agrees in light of Applicant's arguments. This applies to the art rejection of claims 1-6, 8-10, 12-22, 24-26, 28-38, 40-42, 44-53, 55-57, and 59-62. However, the 35 U.S.C. 112, 1st paragraph rejection directed towards the same limitation still stands.

Regarding Applicant's arguments directed towards claims 8, 12, 24, 28, 40, 55, and 65, the prior art rejection directed towards these claims is removed due to the removal of the prior art rejection directed towards the respective parent claims.

All prior art rejections directed towards the Henry et al. reference have been removed. However, the 35 U.S.C. 112, 1st paragraph rejections to 1-10, 12-42, 44-57 and 59-65 still stand.


Brian R. Peugh
Primary Examiner
10/17/06